

Waterways Operators, National Rural Electric Cooperative Association, the American Shipbuilding Association, the National Stone, Sand and Gravel Association.

I could go and on. But you see that we have business groups supporting this bill, labor groups supporting this bill, governmental organizations supporting this bill; and so I think this is a bill that deserves bipartisan support. It is a very fiscally conservative bill.

But I think perhaps even more importantly, we have passed WRDA bills and water resource development bills usually every 2 years for many years. No WRDA bill in the history of this Congress has done more to be environmentally friendly, none has done more for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects; and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

Mr. Speaker, I thank the Rules Committee for their help and assistance and cooperation, and I urge passage of this rule and passage of the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I encourage Members to support the rule. I look forward to the debate and hopeful passage of the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time. I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which provides critical funding to improve our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

This is a jobs bill that will spur economic growth and development in communities across our Nation. I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1354

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. BOOZMAN) at 1 o'clock and 54 minutes p.m.

#### APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. CAPPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 (An Act to ensure jobs for our future with secure, affordable, and reliable energy) be instructed not to agree to the inclusion of any provisions in the conference report modifying the liability with respect to methyl tertiary butyl ether (MTBE).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion would do one thing: it urges conferees to reject a provision granting MTBE manufacturers a waiver from liability for the damage their products have caused to groundwater supplies throughout this country.

This broad liability waiver for MTBE manufacturers should be rejected for a number of reasons.

First, and most recent, a new draft risk assessment on MTBE written by the Environmental Protection Agency has concluded that MTBE is a likely, and I quote "likely," human carcinogen. According to the publication "Inside EPA," the study pinpoints kidney and lymph node tumors as a result of MTBE exposure.

Up until now, most of the concern about MTBE contamination has been that a tiny bit of it makes water smell and taste like kerosene, rendering the water unusable. But now EPA has released information that says MTBE in water may mean more than an unpleasant taste or smell: it may threaten your health.

MTBE contamination is a huge problem, and it is not going away. To date, this contamination has been found in over 2,300 water systems serving 36 States. Two recent studies have reconfirmed that the cost of removing MTBE from drinking water is substantial. The new studies put MTBE cleanup costs in

the range of \$25 billion to \$33 billion and could be as high as \$85 billion or more, and that is the cost for existing pollution.

Third, documents unearthed in court cases show that MTBE manufacturers knew as early as the mid-1980s about the damage their products caused to groundwater sources; and yet they continued to add it to gasoline. That is why juries have found that MTBE is a defective product. They also found that oil companies acted with malice because they knew what could happen with MTBE, and they did not do anything to stop it. That is why these oil companies have settled their cases. They did not pay millions of dollars to Tahoe, Santa Monica, and other communities out of good citizenship. They did it because they knew that juries would lower the boom on them for their actions. That is why this bill voids defective product lawsuits, because that is the way oil companies are being held accountable for their actions.

Fourth, CBO has found that the liability waiver in this House bill is an unfunded mandate. This protection for MTBE manufacturers is a huge unfunded liability that would shift the cost of the cleanup, literally billions of dollars, on to towns, cities, and water districts, on to your constituents, I say to my colleagues; and that is just plain wrong.

Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to strike the MTBE liability waiver from our bill. Many Members voted "no" because of some impending deal to address the cleanup issue once and for all. Well, reports of this deal have leaked out. They are not pretty, and they will not address the MTBE contamination that your constituents face today or may face in the future.

The deal would provide full liability protection to MTBE producers and establish a \$4 billion to \$8 billion trust fund to address the contamination crisis. One big problem: remember, the cleanup of MTBE contamination is going to cost between \$25 billion and \$33 billion and could be as high as \$85 billion, dwarfing this deal's cleanup fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? MTBE manufacturers caused this problem, and they knew it when they did it. They should clean it up.

This is a deal written by the industry for the industry. And it is no surprise that no one from the water industry, no cities, no counties, the people who will have to deal with the contamination, none of these people support this bill.

Finally, these are the controversial MTBE provisions that killed the energy bill in the last Congress. The Senate bill did not include MTBE provisions in their bill, and for good reason. They knew that giving these manufacturers protection from liability would